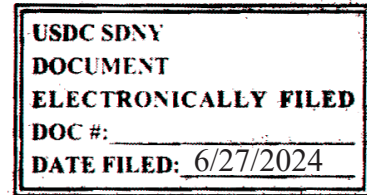


**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**



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**ROBERT MCBRIDE,**

**Plaintiff,**

**21-CV-02989 (RA)(SN)**

**-against-**

**ORDER**

**C&C APARTMNET MANAGEMENT LLC, et al.,**

**Defendants.**  
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**SARAH NETBURN, United States Magistrate Judge:**

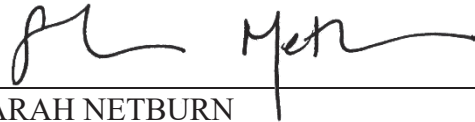
Plaintiff filed his opposition to the Defendants’ motions for summary judgment and requested “an extension to provide more audio and video” evidence by June 21, 2024. ECF No. 156. Plaintiff’s request for an extension is DENIED.

If Plaintiff has not already provided the Defendants with the relevant audio and video evidence, Plaintiff’s application essentially requests an extension of discovery while in the midst of summary judgment briefing, over six months after the close of discovery. The Court previously denied Plaintiff’s request to extend discovery given Plaintiff’s “long history of failing to comply with discovery demands” and precluded Plaintiff from relying on any documents that were not produced by the fact discovery deadline. ECF No. 130. Accordingly, if Plaintiff did not produce the audio and video evidence in discovery, he cannot rely on it at summary judgment.

Even if Plaintiff did produce the audio and video evidence during discovery, he cannot rely on it at summary judgment because it would be untimely. Defendants filed their motions over five months ago, and since then, Plaintiff has repeatedly missed the deadline to file his opposition. ECF Nos. 150, 152. Additionally, Plaintiff requested an extension to June 21, 2024.

That date has passed, and the Court has not received the audio and video evidence. Accordingly, Plaintiff cannot rely on that evidence at summary judgement, and Plaintiff's request is DENIED.

**SO ORDERED.**



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SARAH NETBURN  
United States Magistrate Judge

DATED: June 27, 2024  
New York, New York